

1 AN ACT concerning energy efficiency.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Minimum Energy Efficiency Standards Act.

6 Section 5. Purpose and findings.

7 (a) This Act provides for the establishment of minimum
8 efficiency standards for certain products sold or installed
9 in this State.

10 (b) The legislature finds that:

11 (1) Efficiency standards for certain products sold
12 or installed in this State assure consumers and
13 businesses that the products meet minimum efficiency
14 performance levels, thus saving money on utility bills.

15 (2) Such efficiency standards save energy and thus
16 reduce pollution and other environmental impacts
17 associated with the production, distribution, and use of
18 electricity and natural gas.

19 (3) Such efficiency standards can make electricity
20 systems more reliable by reducing the strain on the
21 electricity grid during peak demand periods. Furthermore,
22 improved energy efficiency can reduce or delay the need
23 for new power plants, power transmission lines, and power
24 distribution system upgrades.

25 (4) Energy efficiency standards contribute to the
26 economy of this State by enabling consumers and business
27 owners to spend less on energy, leaving more for the
28 purchase of local goods and services.

29 Section 10. Definitions. As used in this Act:

30 "Agency" means the Illinois Environmental Protection

1 Agency.

2 "Board" means the Illinois Pollution Control Board.

3 "Ceiling fan" means a non-portable device that is
4 suspended from a ceiling for circulating air via the rotation
5 of fan blades.

6 "Ceiling fan light kit" means the equipment used to
7 provide light from a ceiling fan. This equipment can be (i)
8 integral such that the ceiling fan light kit is hardwired to
9 the ceiling fan or (ii) attachable such that the ceiling fan
10 light kit is not, at the time of sale, physically attached to
11 the fan. Attachable ceiling fan light kits might be included
12 inside the ceiling fan package at the time of sale or sold
13 separately for subsequent attachment to the fan.

14 "Commercial clothes washer" means a soft mount
15 front-loading or soft mount top-loading clothes washer that
16 is designed for use in (i) applications where the occupants
17 of more than one household will be using it, such as in
18 multi-family housing common areas and coin laundries or (ii)
19 other commercial applications, if the clothes container
20 compartment is no greater than 3.5 cubic feet for
21 horizontal-axis clothes washers, or no greater than 4.0 cubic
22 feet for vertical-axis clothes washers.

23 "Commercial refrigerators and freezers" means reach-in
24 cabinets, pass-through cabinets, roll-in cabinets and
25 roll-through cabinets that have less than 85 cubic feet of
26 capacity and that are not walk-in models or consumer products
27 regulated under the National Appliance Energy Conservation
28 Act of 1987.

29 "Director" means the Director of the Illinois
30 Environmental Protection Agency.

31 "Illuminated exit sign" means an internally-illuminated
32 sign that is designed to be permanently fixed in place and
33 used to identify an exit; a light source illuminates the sign
34 or letters from within, and the background of the exit sign

1 is not transparent.

2 "Large packaged air-conditioning equipment" means
3 packaged air-conditioning equipment having 240,000 Btu/hour
4 or more of cooling capacity.

5 "Low voltage dry-type distribution transformer" means a
6 distribution transformer that (i) has an input voltage of 600
7 volts or less; (ii) is between 14 kVa and 2,501 kVa in size;
8 (iii) is air-cooled; and (iv) does not use oil as a coolant.

9 "Packaged air-conditioning equipment" means
10 air-conditioning equipment that is built as a package and
11 shipped as a whole to end-user sites.

12 "Pass-through cabinet" means a commercial refrigerator or
13 commercial freezer with hinged or sliding doors on both the
14 front and rear of the refrigerator or freezer.

15 "Reach-in cabinet" means a commercial refrigerator,
16 commercial refrigerator-freezer, or commercial freezer with
17 hinged or sliding doors or lids, but excluding roll-in or
18 roll-through cabinets and pass through cabinets.

19 "Roll-in or roll-through cabinet" means a commercial
20 refrigerator or commercial freezer with hinged or sliding
21 doors that allows wheeled racks of product to be rolled into
22 or through the refrigerator or freezer.

23 "Torchiere lighting fixture" means a portable electric
24 lighting fixture with a reflector bowl giving light directed
25 upward so as to give indirect illumination.

26 "Traffic signal module" means a standard 8-inch (200mm)
27 or 12-inch (300mm) round traffic signal indication. It
28 consists of a light source, lens, and all parts necessary for
29 operation and communicates movement messages to drivers
30 through red, amber, and green colors. Arrow modules in the
31 same colors are used to indicate turning movements.

32 "Transformer" means a device consisting essentially of 2
33 or more coils of insulated wire that transfers alternating
34 current by electromagnetic induction from one coil to another

1 in order to change the original voltage or current value.

2 "Unit heater" means a self-contained fan-type heater that
3 uses natural gas, propane, or fuel oil and that is designed
4 to be installed within a heated space. Unit heaters include
5 an apparatus or appliance to supply heat and a fan for
6 circulating air over a heat exchange surface, all enclosed in
7 a common casing. Unit heaters do not include warm air
8 furnaces as defined under the federal Energy Policy Act of
9 1992.

10 Section 15. Scope.

11 (a) The provisions of this Act apply to the testing,
12 certification, and enforcement of efficiency standards for
13 the following types of new products sold, offered for sale,
14 or installed in this State: (1) ceiling fans and ceiling fan
15 light kits; (2) commercial clothes washers; (3) commercial
16 refrigerators and freezers; (4) illuminated exit signs; (5)
17 large packaged air-conditioning equipment; (6) low voltage
18 dry-type distribution transformers; (7) torchiere lighting
19 fixtures; (8) traffic signal modules; (9) unit heaters; and
20 (10) such other products as may be designated by the Director
21 in accordance with Section 30.

22 (b) The provisions of this Act do not apply to (1) new
23 products manufactured in this State and sold outside this
24 State, (2) new products manufactured outside this State and
25 sold at wholesale inside this State for final retail sale and
26 installation outside this State, (3) products installed in
27 mobile manufactured homes at the time of construction, or (4)
28 products designed expressly for installation and use in
29 recreational vehicles.

30 Section 20. Efficiency standards. The initial minimum
31 efficiency standards for the types of new products set forth
32 in Section 15 are as follows:

1 (1) Ceiling fans and ceiling fan light kits shall
2 meet the Tier 1 criteria of the product specification
3 (Version 1.1) of the "Energy Star Program Requirements
4 for Residential Ceiling Fans" developed by the U.S.
5 Environmental Protection Agency.

6 (2) Commercial clothes washers shall meet the
7 energy efficiency requirements for residential clothes
8 washers in Energy Conservation Program for Consumer
9 Products: Clothes Washer Energy Conservation Standards,
10 66 Fed. Reg. 3314 (January 12, 2001) (to be codified at
11 10 CFR Part 430).

12 (3) Commercial refrigerators and freezers shall
13 meet the August 1, 2004 requirements shown in Table A-6
14 of section 1605.3 of the California Code of Regulations,
15 Title 20: Division 2, Chapter 4, Article 4: Appliance
16 Efficiency Regulations that took effect on November 27,
17 2002.

18 (4) Illuminated exit signs shall meet the product
19 specification (Version 2.0) of the "Energy Star Program
20 Requirements for Exit Signs" developed by the U.S.
21 Environmental Protection Agency.

22 (5) Large packaged air-conditioning equipment shall
23 meet the Tier 2 efficiency levels of the "Minimum
24 Equipment Efficiencies for Unitary Commercial Air
25 Conditioners" and "Minimum Equipment Efficiencies for
26 Heat Pumps" developed by the Consortium for Energy
27 Efficiency, Boston, MA, and that took effect on July 1,
28 2002.

29 (6) Low voltage dry-type distribution transformers
30 shall meet or exceed the energy efficiency values shown
31 in Table 4-2 of National Electrical Manufacturers
32 Association Standard TP-1-2002.

33 (7) Torchiere lighting fixtures shall not consume
34 more than 190 watts and shall not be capable of operating

1 with lamps that total more than 190 watts.

2 (8) Traffic signal modules shall meet the product
3 specification of the "Energy Star Program Requirements
4 for Traffic Signals" developed by the U.S. Environmental
5 Protection Agency and that took effect in February 2001.

6 (9) Unit heaters shall not have pilot lights and
7 shall have either power venting or an automatic flue
8 damper.

9 The initial minimum efficiency standards provided in this
10 Section are subject to change by Board rule in accordance
11 with Section 30.

12 Section 25. Implementation.

13 (a) Beginning January 1, 2005, no new product of a type
14 subject to this Act may be sold or offered for sale in this
15 State unless the efficiency of the new product meets or
16 exceeds the applicable minimum efficiency standards.

17 (b) Beginning January 1, 2006, no new product of a type
18 subject to this Act may be installed in this State unless the
19 efficiency of the new product meets or exceeds the applicable
20 minimum efficiency standards.

21 Section 30. New and revised standards; waiver.

22 (a) The Agency, after consultation with the Department
23 of Commerce and Community Affairs, may propose to the Board
24 (i) increased efficiency standards to replace any of the
25 standards listed in Section 20, and (ii) new minimum
26 efficiency standards for new products not specifically listed
27 in Section 15. In proposing any new or increased efficiency
28 standards, the Agency shall base that proposal upon a
29 determination that the new or increased efficiency standards
30 would serve to promote energy conservation in this State and
31 would be cost effective for consumers who purchase and use
32 the affected new products.

1 (b) The Board shall consider any new or increased
2 efficiency standards proposed by the Agency, and shall adopt
3 by rule those standards that it finds to be appropriate. In
4 adopting any new or increased efficiency standard, the Board
5 shall consider whether the new or increased efficiency
6 standard would serve to promote energy conservation in this
7 State and would be cost effective for consumers who purchase
8 and use the affected new products. New or increased
9 efficiency standards shall take effect no sooner than one
10 year following the adoption of the rule providing for such
11 new or increased efficiency standards.

12 (c) The Director may apply for a waiver of federal
13 preemption in accordance with federal procedures for those
14 products regulated by the federal government.

15 Section 35. Testing, certification, labeling, and
16 enforcement.

17 (a) The manufacturers of new products subject to this
18 Act shall cause samples of such products to be tested in
19 accordance with the appropriate test procedures. With
20 respect to efficiency standards adopted by reference under
21 Section 20, the appropriate test methods shall be those
22 specified in the adopted standards. Board rules providing
23 for new or increased minimum efficiency standards shall
24 specify the appropriate test methods, which shall be test
25 methods approved by the U.S. Department of Energy or, in the
26 absence of such test methods, other appropriate nationally
27 recognized test methods.

28 (b) Manufacturers of new products subject to this Act
29 shall certify to the Director that such products are in
30 compliance with the provisions of this Act. The Director may
31 adopt procedures and requirements governing the certification
32 of such products and may work in coordination with the
33 certification programs of other states. With respect to a

1 product for which the Illinois efficiency standards and
2 labelling requirements are the same as those of the federal
3 government or another state, the Agency may accept as
4 sufficient for compliance with this subsection the
5 manufacturer's certification to the federal government or
6 that other state, whichever is applicable, that the product
7 complies with those standards and requirements.

8 (c) Manufacturers of new products subject to this Act
9 shall identify each such product offered for sale or
10 installation in this State as in compliance with the
11 provisions of this Act by means of a mark, label, or tag on
12 the product and packaging at the time of sale or
13 installation. The Director shall propose and the Board shall
14 adopt rules governing the identification of such products and
15 packaging and may work in coordination with the labeling
16 programs of other states.

17 (d) The Director may cause investigations to be made of
18 complaints received concerning violations of this Act and may
19 report the results of such investigations to the Attorney
20 General. The Attorney General may institute proceedings to
21 enforce the provisions of this Act.

22 (e) A manufacturer, distributor, retailer, or installer
23 who violates any provision of this Act shall be issued a
24 warning by the Director for the first violation. Repeat
25 violations shall be subject to a civil penalty of not more
26 than \$250. Each violation shall constitute a separate
27 offense, and each day that a violation continues shall
28 constitute a separate offense. Penalties assessed under this
29 subsection are in addition to costs assessed under subsection
30 (d).

31 (f) The Agency may propose and the Board may adopt any
32 rules that are necessary to ensure the proper implementation
33 and enforcement of this Act.

1 Section 97. Severability. The provisions of this Act
2 are severable under Section 1.31 of the Statute on Statutes.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.